

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TRISHA L. BURNETT,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 18-cv-2001-DGW ¹
)	
COMMISSIONER of SOCIAL SECURITY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

WILKERSON, Magistrate Judge:

Before the Court is the parties' Agreed Motion for Remand to the Commissioner. **(Doc. 21)**.

The parties ask that this case be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-303 (1993).

The parties agree that, upon remand, "unless the Appeals Council decides it can award benefits on the current record, it will remand the case to an

¹ This case was assigned to the undersigned for final disposition upon consent of the parties pursuant to 28 U.S.C. §636(c). See, Docs. 10, 22.

administrative law judge for a new hearing and a new decision. The ALJ will be instructed to (1) re-evaluate the residual functional capacity; (2) if necessary, continue through the sequential evaluation process with citation to the medical record; and (3) if warranted, obtain additional vocational evidence.”

Plaintiff applied for disability benefits in February 2014. (Tr. 40). While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

For good cause shown, the parties’ Agreed Motion for Remand to the Commissioner (**Doc. 21**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying plaintiff’s application for social security disability benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

IT IS SO ORDERED.

DATED: April 24, 2019.

s/ Donald G. Wilkerson
DONALD G. WILKERSON
UNITED STATES MAGISTRATE JUDGE